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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MICKAIL MYLES, an individual,
12 Plaintiff,

13 v.

14 COUNTY OF SAN DIEGO, by and
15 through the SAN DIEGO COUNTY
16 SHERIFF'S DEPARTMENT, a public
entity; and DEPUTY J. BANKS, an
individual,

17 Defendants.
18

Case No. 3:15-cv-01985-JAH-BLM
SPECIAL VERDICT FORM

19 We, the jury, in the above-entitled case unanimously find as follows:
20

21 **Section I**
Excessive Force

22 A. Do you find by a preponderance of the evidence that Deputy Banks' use of the
23 police canine on Mr. Myles was in violation of the Fourth Amendment and a
24 cause of Plaintiff's injuries as defined in the Court's Instructions?

25 Yes: ✓ No:

26 *Proceed to question B.*
27
28

1 B. Do you find by a preponderance of the evidence that Deputy Banks' use of
2 physical force on Mr. Myles was in violation of the Fourth Amendment and a
3 cause of Plaintiff's injuries as defined in the Court's Instructions?

4 Yes: ✓ No:

5 *Proceed to question C.*

6 C. Do you find by a preponderance of the evidence that Deputy Banks' actions
7 resulted in the false imprisonment of Mr. Myles in violation of the Fourth
8 Amendment and a cause of Plaintiff's injuries as defined in the Court's
9 Instructions?

10 Yes: ✓ No:

11 *If you answered "Yes" to question A, B, or C, proceed to Section II. If you*
12 *answered "No" to questions A, B, and C, proceed to Section IV below.*

13 **Section II**
14 **Liability of the County of San Diego**

15 A. Do you find by a preponderance of the evidence that Plaintiff Myles proved his
16 1983 Claim against the County of San Diego that an unlawful official policy,
17 practice or custom was a cause of Plaintiff's injuries as defined in the Court's
18 Instructions?

19 Yes: ✓ No:

20 B. Do you find by a preponderance of the evidence that Plaintiff Myles proved his
21 1983 Claim against the County of San Diego that a failure to train was a cause
22 of Plaintiff's injuries as defined in the Court's Instructions?

23 Yes: ✓ No:

24 C. Do you find by a preponderance of the evidence that Plaintiff Myles proved his
25 1983 Claim against the County of San Diego based on ratification and was a
26 cause of Plaintiff's injuries as defined in the Court's Instructions?

27 Yes: ✓ No:

1 *Proceed to Section III.*

2 **Section III**
3 **Interference with Civil Rights (Bane Act)**

4 Do you find by a preponderance of the evidence that Deputy Banks was in
5 violation of California Civil Code 52.1 and caused Plaintiff's injury as defined in the
6 Court's Instructions?

7 Yes: ✓ No:

8 *Proceed to Section IV.*

9 **Section IV**
10 **Negligence**

11 A. Do you find by a preponderance of the evidence that Deputy Banks was
12 negligent with regard to Mr. Myles?

13 Yes: ✓ No:

14 *Proceed to Question B.*

15 B. Do you find by a preponderance of the evidence that the County of San Diego
16 was negligent with regard to Deputy Banks?

17 Yes: ✓ No:

18 *If you answered "Yes" as to either A and/or B, please answer question C. If*
19 *you answered "No", proceed to Section V.*

20
21 C. Do you find by a preponderance of the evidence that the negligence of Deputy
22 Banks and/or the County of San Diego was a cause of Plaintiff's injuries as
23 defined in the Court's Instructions?

24 Yes: ✓ No:

25 *If you answered "Yes" to Question C, please answer question D. If you*
26 *answered "No", proceed to Section V.*

27 D. Do you find by a preponderance of the evidence that Mr. Myles was
28 negligent?

Yes: _____ No: ✓

Proceed to Question E.

E. Was Mr. Myles negligent in causing his injury?

Yes: _____ No: ✓

Proceed to Question F.

F. If you find that Mr. Myles has some degree of negligence, what percentage of responsibility do you assign to each party?

Mr. Myles: _____ %

Deputy Banks: _____ %

County of San Diego: _____ %

TOTAL: 100%

Proceed to Section V.

Section V

If you responded "Yes" to any question in Section I, II, III, or IV(C), proceed to the damages question. If you answered "No" to all of the questions, sign and return the verdict form.

What are Mickail Myles' damages:

Past non-economic loss \$ 800,000 -

Future non-economic loss \$ 4.2 million

Dated: October 11, 2022

By  Foreperson